United Nations S/2006/803

Security Council

Distr.: General
12 October 2006

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1449 (2002) of 13 December 2002, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004,

Recalling that on 25 June 2003, the General Assembly by its decision 57/414 and in accordance with Article 12 ter, paragraph 1 (d) of the International Tribunal for Rwanda's Statute, elected from a list of candidates approved by the Security Council the following eighteen ad litem judges to a four-year term of office beginning on 25 June 2003 and to end on 24 June 2007: Mr. Aydin Sefa Akay (Turkey); Ms. Florence Rita Arrey (Cameroon); Ms. Solomy Balungi Bossa (Uganda); Mr. Robert Fremr (Czech Republic); Ms. Taghrid Hikmet (Jordan); Ms. Karin Hökborg (Sweden); Mr. Vagn Joensen (Denmark); Mr. Gberdao Gustave Kam (Burkina Faso); Ms. Flavia Lattanzi (Italy); Mr. Kenneth Machin (United Kingdom); Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania); Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia); Mr. Lee Gacuiga Muthoga (Kenya); Mr. Seon Ki Park (Republic of Korea); Mr. Mparany Mamy Richard Rajohnson (Madagascar); Mr. Emile Francis Short (Ghana); Mr. Albertus Henricus Johannes Swart (Netherlands); and Ms. Aura E. Guerra de Villalaz (Panama),

Recalling that the Security Council by its resolution 1684 (2006) of 13 June 2006 extended the terms of the eleven permanent judges serving at the International Tribunal for Rwanda until 31 December 2008,

Recalling that the Security Council by its resolution 1705 (2006) of 29 August 2006 decided, notwithstanding the provisions of Article 12 ter of the Statute of the International Tribunal for Rwanda, and notwithstanding that Judge Bossa's elected term as an ad litem judge of the International Tribunal will end on 24 June 2007, to authorize her, effective 28 August 2006, to continue to serve as a judge in the *Butare* case until its completion,

Taking note of the letter to the President of the Security Council from the Secretary-General dated 2 October 2006,

1. *Decides* in response to the request by the Secretary-General and notwithstanding the provisions of Article 12 ter of the Statute of the International Tribunal for Rwanda, to extend until 31 December 2008 the term of office of the

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following ad litem judges of the International Tribunal who were elected on 25 June 2003:

- Mr. Aydin Sefa Akay (Turkey);
- Ms. Florence Rita Arrey (Cameroon);
- Ms. Solomy Balungi Bossa (Uganda);
- Mr. Robert Fremr (Czech Republic);
- Ms. Taghrid Hikmet (Jordan);
- Ms. Karin Hökborg (Sweden);
- Mr. Vagn Joensen (Denmark);
- Mr. Gberdao Gustave Kam (Burkina Faso);
- Ms. Flavia Lattanzi (Italy);
- Mr. Kenneth Machin (United Kingdom);
- Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania);
- Mr. Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia);
- Mr. Lee Gacuiga Muthoga (Kenya);
- Mr. Seon Ki Park (Republic of Korea);
- Mr. Mparany Mamy Richard Rajohnson (Madagascar);
- Mr. Emile Francis Short (Ghana);
- Mr. Albertus Henricus Johannes Swart (Netherlands);
- Ms. Aura E. Guerra de Villalaz (Panama);

2. *Decides* in response to the request by the Secretary-General to allow ad litem Judges Bossa, Arrey, Lattanzi, Muthoga, Short, Hökborg, Hikmet, Kam and Park to serve in the International Tribunal for Rwanda beyond the cumulative period of service provided for under Article 12 ter of the Statute and until 31 December 2008;

3. *Requests* States to continue to make every effort to ensure that their nationals who were elected as ad litem judges of the International Tribunal for Rwanda remain available to serve until 31 December 2008;

4. *Decides* to remain seized of the matter.

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Security Council

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France, Germany, Russian Federation, Slovakia and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1666 of 31 March 2006 (S/RES/1666),

Welcoming the report of the Secretary-General on the activities of the United Nations Observer Mission in Georgia of 28 September 2006,

Supporting the sustained efforts of the Secretary-General and of his Special Representative with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General and of the OSCE,

Regretting the continued lack of progress on key issues of a comprehensive settlement of the Georgian-Abkhaz conflict,

Acknowledging with concern the observation of the Secretary-General that a new and tense situation has emerged between the Georgian and the Abkhaz sides, in particular as a result of the Georgian special operation in the upper Kodori Valley,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and *supports* all efforts by the United Nations and the Group of Friends of the Secretary-General which are guided by their determination to promote a settlement of the Georgian-Abkhaz conflict only by peaceful means and within the framework of the Security Council resolutions;

2. *Recalls*, with a view to achieving a lasting and comprehensive settlement, its support for the principles contained in the "Paper on Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi" and welcomes additional ideas that the sides would be willing to offer with a view to conducting creatively and constructively a political dialogue under the aegis of the United Nations;

3. *Having in mind* the relevant Security Council resolutions containing an appeal to both sides to refrain from any action that might impede the peace process, *expresses* its concern with regard to the actions of the Georgian side in the Kodori Valley in July 2006, and to all violations of the Moscow agreement on ceasefire and

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separation of forces of 14 May 1994, and other Georgian-Abkhaz agreements concerning the Kodori Valley;

4. *Urges* the Georgian side to ensure that the situation in the upper Kodori Valley is in line with the Moscow agreement and that no troops unauthorized by this agreement are present;

5. *Notes* with satisfaction the resumption of joint patrols in the upper Kodori Valley by UNOMIG and the CIS peacekeeping force and reaffirms that such joint patrols should be conducted on a regular basis;

6. *Urges* both parties to comply fully with previous agreements and understandings regarding ceasefire, non-use of violence and confidence-building measures, and *stresses* the need to strictly observe the Moscow Agreement on Ceasefire and the Separation of Forces in the air, on the sea and on land, including in the Kodori Valley;

7. *Acknowledges* the important role of the CIS peacekeeping force and of UNOMIG in the Georgian-Abkhaz conflict zone, *stresses* the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play a stabilizing role in the conflict zone, *looks* to all sides to continue to extend the necessary cooperation to them and *recalls* that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees;

8. *Once again urges* the Georgian side to address seriously legitimate Abkhaz security concerns, to avoid steps which could be seen as threatening and to refrain from militant rhetoric and provocative actions, especially in upper Kodori Valley;

9. *Urges* the Abkhaz leadership to address seriously the need for a dignified return of IDPs and refugees, including their security and human rights concerns, publicly reassure the local population, particularly in the Gali district, that their residency rights and identity will be respected, and move without delay on implementing past commitments relating to United Nations police advisers, a United Nations human rights sub-office and the language of instruction;

10. *Urges* both parties to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons for the Gali district and to undertake necessary steps to secure the protection and dignity of the civilian population including the returnees;

11. *Commends* the presentation by both sides of ideas as a basis for dialogue and *calls on* the two sides to resume this dialogue by using all existing mechanisms as described in the relevant Security Council resolutions in order to come to a peaceful settlement;

12. *Calls* on both parties to follow up on their expressed readiness for a meeting of their highest authorities without preconditions and to maintain open channels of communication to build confidence, and *encourages* further contacts between representatives of civil society;

13. *Calls* on the Secretary-General to explore with the sides ways and means to build confidence, in particular by improving welfare and security of the inhabitants of Gali and Zugdidi districts;

14. *Supports* all efforts by the Georgian and Abkhaz sides to engage constructively in economic cooperation as envisaged in the Geneva meetings and complemented by the working groups established in Sotchi in March 2003, including, security conditions permitting, the rehabilitation of infrastructure, and welcomes the intention expressed by Germany to host a meeting on economic cooperation and confidence-building measures, pending progress in the conflict resolution process;

15. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel and *calls on* both sides to fulfil their obligations in this regard;

16. *Welcomes* the efforts being undertaken by UNOMIG to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

17. *Decides* to extend the mandate of UNOMIG for a new period terminating on 15 April 2007;

18. *Requests* the Secretary-General to include detailed information on developments in the Kodori Valley and on the progress on efforts for return of refugees and IDPs particularly to the Gali district into his next report on the situation in Abkhazia, Georgia;

19. *Strongly supports* the efforts of the Special Representative of the Secretary-General and calls on the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support;

20. *Decides* to remain actively seized of the matter.

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Security Council

Distr.: General
14 October 2006

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Draft resolution

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

Deploring the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

Deploring further that the DPRK has refused to return to the Six-Party talks without precondition,

Endorsing the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and *determining* therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

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1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and *underlines* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's

nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and

economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate tension and to facilitate the early resumption of the Six-Party Talks, with a view to

the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. *Underlines* that further decisions will be required, should additional measures be necessary;

17. *Decides* to remain actively seized of the matter.